

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 3, 2003**

DIVISION ONE

B163296      People                                  (Not for Publication)  
v.  
McBride

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The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Mallano, J.

B163541 People (Not for Publication)  
v.  
Josif Jurcoane

The judgment is vacated and the matter is remanded for the limited purpose of holding a hearing on defendant's Marsden motion as outlined in part III of this opinion. If the court finds that defendant has not shown good cause for appointment of new counsel, it shall reinstate the judgment. If the court finds defendant has shown good cause for appointment of new counsel, it shall appoint new counsel and entertain any motion brought by counsel (including any renewal of the new trial motion previously denied) and shall resentence defendant if necessary.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

DIVISION FIVE

B166811      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Marie B.  
In re Zachary S.

The Welfare and Institutions Code section 366.26 order is reversed and the cause is remanded for compliance with the federal Indian Child Welfare Act notice requirements. Pursuant to the stipulation of the parties, the remittitur is to issue forthwith.

Turner, P.J.

We concur:    Grignon, J.  
Mosk, J.

B164423      Horowitz/Wood-Victory & Fallbrook      (Not for Publication)  
v.  
Fallbrook Square Partners

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

I concur:      Grignon, J.  
I concur:      Mosk, J. (opinion)

B162634      People      (Not for Publication)  
v.  
James Lee

The abstract of judgment is to be modified to reflect 456 days of actual custody credits in addition to 68 days of conduct credits, for a total of 524 days of presentence custody credits; to include the \$200 sex offender registration fine under Penal Code section 1464, subdivision a and a \$140 penalty under Government Code section 76000, subdivision (a). In all other respects, the judgment is affirmed.

Mosk, J.

We concur:    Turner, P.J.  
Armstrong, J.

DIVISION FIVE (Continued)

B165780      Los Angeles County, D.C.S.      (Not for Publication)

v.

Fred M.

In re Fred M., et al

The judgment is affirmed.

Mosk, J.

We concur:    Turner, P.J.

Armstrong, J.

B162486      Donald Luman      (Not for Publication)

v.

City Council of the City of El Monte

The judgment is affirmed. Each party to bear their own costs.

Mosk, J.

We concur:    Grignon, Acting P.J.

Armstrong, J.

DIVISION SIX

B159280      Holmberg      (Not for Publication)

v.

J.F. Shea Co.

The order granting summary judgment based on the running of the statute of limitations is reversed. We therefore need not discuss the Holmbergs' other issues. The parties shall bear their own costs.

Gilbert, P.J.

We concur:    Yegan, J.

Perren, J.

November 3, 2003 (Continued)

## DIVISION SIX (Continued)

B160662      Salvin      (Not for Publication)  
v.  
IONEX Telecommunications, Inc.

The judgment is affirmed. Costs on appeal are awarded to Salvin.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SEVEN

B168611      In re Raul M., a minor  
                  Los Angeles County, D.C.S.  
                  v.  
                  Monica M., and Raul M.

B168611      In re Raul M., a minor  
                  Los Angeles County, D.C.S.  
                  v.  
                  Monica M.,

Filed order consolidating above appeals.

## DIVISION EIGHT

[illegible]

The convictions in counts two through four are reversed; sentence imposed and stayed pursuant to Penal Code section 654 as to each of these counts is vacated. In all other respects, the judgment is affirmed. The trial court is directed to issue an amended abstract of judgment.

Boland, J.

We concur: Cooper, P.J.  
Flier, J.

DIVISION EIGHT (Continued)

B165005      NOS Communications, Inc.                      (Not for Publication)  
v.  
Sprint Communications Company, L.P., et al.

The order granting the motion for preliminary injunctive relief is reversed, preliminary injunction is dissolved, and the matter remanded to the trial court to conduct a new hearing on the motion consistent with the views expressed herein. Appellants are to recover their costs on appeal.

Boland, J.

We concur:    Cooper, P.J.  
                     Rubin, J.

B161250      Orlyn, et al.    (Not for Publication)  
v.  
Novastar Mortgage, Inc.

The judgment is affirmed. Respondent is entitled to costs.

Cooper, P.J.

We concur:    Rubin, J.  
                     Boland, J.

B161817      People    (Not for Publication)  
v.  
Nguyen

The judgment is affirmed.

Cooper, P.J.

We concur:    Rubin, J.  
                     Boland, J.

November 3, 2003 (Continued)

## DIVISION EIGHT (Continued)

B163798 Kato (Not for Publication)

V.

State Board of Control, et al.

The denial of Franck's petition for writ of mandate is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.